

**Effective 5/13/2014**

**17-22-5.5 Sheriff's classification of jail facilities -- Maximum operating capacity of jail facilities -- Transfer or release of prisoners -- Limitation -- Records regarding release.**

- (1)
  - (a) Except as provided in Subsection (4), a county sheriff shall determine:
    - (i) subject to Subsection (1)(b), the classification of each jail facility or section of a jail facility under the sheriff's control;
    - (ii) the nature of each program conducted at a jail facility under the sheriff's control; and
    - (iii) the internal operation of a jail facility under the sheriff's control.
  - (b) A classification under Subsection (1)(a)(i) of a jail facility may not violate any applicable zoning ordinance or conditional use permit of the county or municipality.
- (2) Except as provided in Subsection (4), each county sheriff shall:
  - (a) with the approval of the county legislative body, establish a maximum operating capacity for each jail facility under the sheriff's control, based on facility design and staffing; and
  - (b) upon a jail facility reaching its maximum operating capacity:
    - (i) transfer prisoners to another appropriate facility:
      - (A) under the sheriff's control; or
      - (B) available to the sheriff by contract;
    - (ii) release prisoners:
      - (A) to a supervised release program, according to release criteria established by the sheriff; or
      - (B) to another alternative incarceration program developed by the sheriff; or
    - (iii) admit prisoners in accordance with law and a uniform admissions policy imposed equally upon all entities using the county jail.
- (3)
  - (a) The sheriff shall keep records of the release status and the type of release program or alternative incarceration program for any prisoner released under Subsection (2)(b)(ii).
  - (b) The sheriff shall make these records available upon request to the Department of Corrections, the Judiciary, and the Commission on Criminal and Juvenile Justice.
- (4) This section may not be construed to authorize a sheriff to modify provisions of a contract with the Department of Corrections to house in a county jail persons sentenced to the Department of Corrections.

Amended by Chapter 120, 2014 General Session